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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,733	01/10/2005	Ernst Reder	740207-1010	9733
28862	7590	11/01/2006		
HUDAK, SHUNK & FARINE, CO., L.P.A. 2020 FRONT STREET SUITE 307 CUYAHOGA FALLS, OH 44221				
			EXAMINER KURTZ, BENJAMIN M	
			ART UNIT 1723	PAPER NUMBER

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

**Office Action Summary**

Application No.

10/520,733

Applicant(s)

REDER ET AL.

Examiner

Benjamin Kurtz

Art Unit

1723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

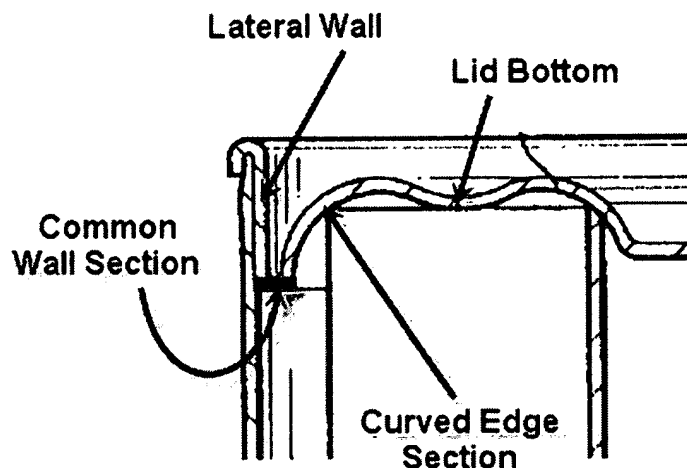
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-8, 13-14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vannoy et al. US 5 830 348. Regarding claim 1, Vannoy teaches a filter cartridge (10) with a filter material (22) comprising a cartridge container (12) with a bottom wall (26) and a peripheral wall (14) and with a lid (38), comprised of a lid bottom (see figure below) and a strip shaped lateral wall (see figure below), with a form matching according to its border, which is fitted at the inner side of the peripheral wall whereby the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section whereby the curved edge section and the lateral wall join in a common wall section, the curved edge section and the lateral wall taper inwards in a forming region (see figure below).



Regarding claims 3-8 and 18, Vannoy teaches the common wall section forms a lower wall section of the lateral wall (fig. 1); the curved edge section extends up to the inner end of the strip shaped lateral wall (fig. 1); the curved edge section has a mean edge radius of curvature  $R$ , which satisfies  $R \geq 5 \times S$ , where  $S$  indicates the thickness of the peripheral wall of the cartridge container (fig. 1); the curved end section spans an angle from 80 to 100 degrees (fig. 1); the lateral wall has an upper wall section which extends upward from the common wall section at least up to the height of the lid bottom (fig. 1); and the upper wall section of the lateral wall and the curved edge section border on their outer side forming a ring space with a sedge shaped cross section (fig. 1).

Regarding claims 13 and 14, Vannoy teaches at least one section of the common wall section is joined with the peripheral wall. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious

from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 227 USDQ 964 (1985).

2. Claims 1, 7-12 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Covington US 5 301 958. Regarding claim 1 Covington teaches a filter cartridge (8) with a filter material (22) comprising a cartridge container (10) with a bottom wall (12) and a peripheral wall and with a lid (16), comprised of a lid bottom and a strip shaped lateral wall (40), with a form matching according to its border, which is fitted at the inner side of the peripheral wall whereby the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section (42) whereby the curved edge section and the lateral wall join in a common wall section (the flat portion between (40) and (42)), tapering inwards in a forming region (fig. 2).

Regarding claims 7-12 and 19, Covington teaches the lateral wall has an upper wall section, which extends upwards from the common wall section at least up to the height of the lid bottom (fig. 2); the upper wall section of the lateral wall and the curved edge section border on their outer side with a ring space with a wedge shaped cross section (fig. 2); a back up ring (20) is arranged on the lid (fig. 1 and 2); the bottom contour of the back up ring is built such that it is complementary to an outer contour of the lid (fig. 2); the back up ring does not fill a wedge shaped ring area completely (fig. 2, col. 3, lines 37-41); and there is a slit shaped recess between the back up ring and a position of the curved edge section bordering on the common wall section (fig. 2).

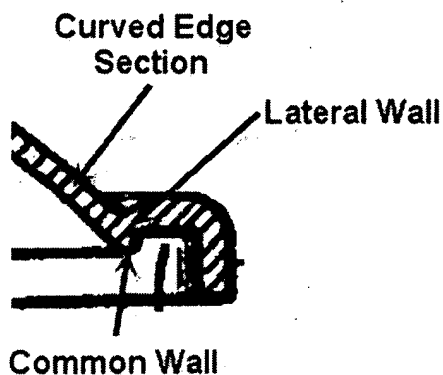
3. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt US 5 690 814. Regarding claim 1, Holt teaches a filter cartridge (10) with a filter

Art Unit: 1723

material (24) comprising a cartridge container (12) with a bottom wall (36) and a peripheral wall (38) and with a lid (14), comprised of a lid bottom (64) and a strip shaped lateral wall (66), with a form matching according to its border, which is fitted at the inner side of the peripheral wall whereby the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section whereby the curved edge section and the lateral wall join in a common wall section tapering inwards in a forming region (fig. 3).

Regarding claim 15, Holt teaches the material of the cartridge container is transparent to laser light (col. 3, lines 40-41) and at least the material of the lateral wall of the lid is absorptive to laser light (col. 3, lines 46-47). The cartridge container is made of a transparent material which allows transmission of light through while the lid is made of steel which does not allow transmission of light through, therefore absorptive of light.

4. Claims 1-2 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkinson US 2 294 261. Regarding claim 1, Wilkinson teaches a filter cartridge with a filter material (20) comprising a cartridge container (10) with a bottom wall and a peripheral wall and with a lid (23), comprised of a lid bottom and a strip shaped lateral wall (see figure below), with a form matching according to its border, which is fitted at the inner side of the peripheral wall whereby the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section whereby the curved edge section and the lateral wall join in a common wall section tapering inwards in a forming region (fig. 2).



Regarding claims 2 and 16-17, Wilkinson teaches the lateral wall is connected with the curved edge section tangentially (fig. 2); the common wall section forms a lower wall section of the lateral wall (fig. 2); and the curved edge section has a mean edge radius of curvature  $R$ , which satisfies  $R \geq 5 \times S$ , where  $S$  indicates the thickness of the peripheral wall of the cartridge container (fig. 2).

#### ***Allowable Subject Matter***

5. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive. Regarding claim 1 and Vannoy, Vannoy teaches the lid with the curved edge section joining the lateral wall in a common wall section; the common wall section (as shown in figure 1) is the horizontally orientated wall section joining the lateral wall with the curved edge section.

Art Unit: 1723

Regarding claim 1 and Covington, the applicant has argued the annular end cover (26) is not a lid. The American Heritage Concise Dictionary defines a lid as: A removable cover for a hollow receptacle. As cited by Covington (col. 2, lines 32-35) element (16) is a cover and is therefore considered a lid. Covington teaches a curved edge section joining a lateral wall in a common wall section; the common wall section being the horizontally orientated wall section adjacent to the plate (14), joining and between the curved section and the lateral wall (fig. 2).

Regarding claim 1 and Holt, the applicant has argued that the cover plate (14) is not fixed to the container wall. Figure 3 of Holt shows the plate (14) having a flange (72), which is fixed to the flange (60). Holt also teaches the lateral wall (66) joined to an inward curved edge in a common wall section (16) (fig. 4). The common wall joins the two sections of the lid.

7. Upon further consideration the previous rejections of claims 2, 16 and 17 over Vannoy have been withdrawn and a new rejection has been made. Also the previous rejection of claim 20 over Covington has been withdrawn and claim 20 has been objected to as being allowable subject matter but depending from a rejected claim.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bk 10/20/06

  
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